

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE KENTUCKY PUBLIC SERVICE COMMISSION )

VS. )

MAVO, INC. D/B/A BRIGHTLEAF SEWAGE )  
TREATMENT )

CASE NO. 8811

O R D E R

On November 1, 1982, a letter was received by this Commission from Mr. and Mrs. Jerry Tyler, Harrodsburg, Kentucky, concerning problems they were experiencing in obtaining sewer service from Mavo, Inc., d/b/a Brightleaf Sewage Treatment ("Brightleaf"). On November 9, 1982, a copy of the Tylers' complaint letter was forwarded to Mr. Lloyd Mayes, Jr., President of Brightleaf, requesting that he respond to the complaint by December 9, 1982. Mr. Mayes did not respond to this letter nor to a follow-up letter dated January 6, 1983, and the matter was set for hearing on May 11, 1983.

A hearing was held in Frankfort, Kentucky, on May 11, 1983, and all parties of interest were given an opportunity to be heard.

Commentary

The Commission, by letter dated May 2, 1983, advised Mr. Tyler that a hearing had been scheduled on his complaint against

Brightleaf. Mr. Tyler, however, did not respond to the letter nor did he appear at the hearing of May 11, 1983.

The following was included in the hearing testimony of Mr. Mayes: Mr. Tyler would require treatment plant capacity of up to 30,000 gallons per day ("GPD") for treatment of sewage from a proposed condominium development. Brightleaf's existing plant capacity is 20,000 GPD. Mr. Tyler had advised Mr. Mayes, during a personal conversation, that his complaint had been withdrawn. Mr. Mayes' failure to respond to the Commission's letters of December 9, 1982, and January 6, 1983, was due to his change in personal residence from Harrodsburg to Lexington and the failure of his Harrodsburg business partner to forward his mail to Lexington.

#### Opinion and Order

1. Brightleaf is obligated to provide sewage disposal service on the basis of one single family residence per residential lot within the boundaries of the Brightleaf Estates subdivision.

2. Mr. Tyler's needs for sewage disposal service are those not of a single family residence but of about 75 residences. Brightleaf currently serves about 47 customers.

3. There is no agreement between Brightleaf and Mr. Tyler that obligates Brightleaf to provide the quantity of daily disposal service sought by Mr. Tyler.

4. Mr. Tyler did not appear at the hearing to provide testimony on his behalf in this matter.


5. By telephone communication with Mr. Tyler subsequent to the May 11, 1983, hearing, the Commission learned that Mr. Tyler

had made other arrangements for meeting his sewage disposal needs.  
Therefore the complaint against Brightleaf should be dismissed.

IT IS THEREFORE ORDERED that the complaint of Mr. and Mrs.  
Jerry Tyler against Brightleaf be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 26th day of July, 1983.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary